

**APPLICATION TO THE MARTINSVILLE BOARD OF ZONING APPEALS
FOR VARIANCE IN LAND USE, DEVELOPMENT STANDARDS OR SPECIAL
EXCEPTION WITHIN THE PLANNING JURISDICTION OF THE CITY OF
MARTINSVILLE**

Docket No. _____

Date of Filing: _____

Applicant: _____ Phone: _____

Address of Applicant: _____

Is Applicant the Landowner or Owner's Attorney? **(YES)** **(NO)** circle one. If NO Written Authorization of Landowner is Required Before Proceeding.

Request for Variance From: **(Land Use)**, **(Development Standards)**, **(Special Exception)** circle one.

Specific request (such as: change in front building line from xx feet to xx feet or change in land use to allow for use as a ?????? or a special exception for the purpose of ??????). Also, include any written commitments or restrictions that you believe are needed or desired. If additional space is needed commitments or restrictions can be attached as an exhibit:

Legal Description: _____

Total Area Affected: _____ Current Zoning Classification: _____

Address of Property: _____

Signature of Applicant or Agent

Date

**CITY OF MARTINSVILLE BOARD OF ZONING APPEALS NOTICE OF
PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by the City of Martinsville BOARD OF ZONING APPEALS, at City Hall, 59 South Jefferson St., Martinsville, Indiana on Tuesday (*insert date of hearing*) at 6:00pm local time, upon the application of (*insert the name of applicant*) for a variance from (*use, development standards, or special exception select all that apply*) specially being to (*describe the nature of your request*) on property located at (*insert address of property or if no address has been assigned, give directions from nearest intersecting streets or roads*). The legal description of the property is (*insert legal description of property*). The complete application and file for this application is available for public inspection fifteen (15) days prior to hearing date, during regular working hours, at the Martinsville City Hall, 59 South Jefferson St., Martinsville, Indiana.

Interested persons appearing in favor of or in opposition to the application will be heard thereon by the Board.

This notice has been prepared by (*insert name and address of person and firm, if any, who prepared this public notice*).

Dated this: (*insert the date the public notice was mailed or sent to the local paper*)

**MARTINSVILLE BOARD OF ZONING APPEALS
FINDINGS OF FACT
FOR VARIANCE OF USE**

Pursuant to IC 36-7-4-918.4 the Martinsville Board of Zoning Appeals having heard the variance
filed by _____, requesting the following use

_____,
now makes the following Finding of Fact pursuant to IC 36-7-4-918.4:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community due to the following:

_____.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner due to the following:

_____.

3. The need for the variance arises from some condition peculiar to the property involved, namely:

_____.

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, namely:

_____.

5. The approval does not interfere substantially with the Comprehensive Plan adopted under the 500 series of this Chapter, namely because:

_____.

**MARTINSVILLE BOARD OF ZONING APPEALS
FINDINGS OF FACT
FOR VARIANCE FROM DEVELOPMENT STANDARDS**

Pursuant to IC 36-7-4-918.5 the Martinsville Board of Zoning Appeals having heard the variance filed by _____, requesting the following variance from development standards,_____

_____ now makes the following Finding of Fact pursuant to IC 36-7-4-918.5:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community due to the following:

_____.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner due to the following:

_____.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. However, the Zoning Ordinance may establish a stricter standard than the “practical difficulties” standard prescribed by the subdivision. The actual practical difficulties found to exist here are as follows:

_____.

Stipulations to run with variance:

_____.

MARTINSVILLE BOARD OF ZONING APPEALS
FINDINGS OF FACT
FOR SPECIAL EXCEPTION

The Martinsville Board of Zoning Appeals having heard the request for a special exception filed
by _____, requesting the following use

now makes the following Finding of Fact.

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare for the following reasons:

_____.

2 The Special Exception will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted for the following reasons:

_____.

3. The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district for the following reasons:

_____.

4. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided and those facilities are as follows:

_____.

5. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion on the public roads, those measures are as follows:

_____.

6. The Special Exception will be located in a district where such use is permitted and all other requirements in this ordinance, which are applicable to such Special Exception, will be met. Please verify that this is the case with this Special Exception request.

_____.

APPLICANT BE SURE TO ATTACH THE PUBLIC NOTICE AND LIST OF PERSON NOTIFIED

MARTINSVILLE BOARD OF ZONING APPEALS MEMBER LIST

	<u>ADDRESS</u>	<u>TELEPHONE</u>
Dee W. Terrell (R)	1635 Sunrise St.	342-0852 (H)
Keith Sichting (D)	159 S. Ohio St.	342-2665 (H)
Marilyn Siderewicz (R)	145 Ferguson Dr.	342-2556 (H)
Robert Beesley	2200 John R. Wooden Dr.	342-7164 (W)
Michael Kirsch	222 N. Old SR 67 S.	342-3420 (H)
Rod Bray, Attorney	210 E. Morgan St.	342-6814 (W)
Ross Holloway	P.O. Box 234 Mooreville, IN 46158	831-7918 (W)

CITY OF MARTINSVILLE PROCEDURES SUMMARY FOR PLAN COMMISSION AND BOARD OF ZONING APPEALS APPLICATION

Following is the procedure for making application to the City of Martinsville Plan Commission or Board of Zoning Appeals for zoning change, subdivision approval or variance. This summary of application procedures is being provided as an aid to the applicant and is not intended or represented to be a replacement for the procedures and requirements of the City of Martinsville Zoning Ordinance. It is the responsibility of the applicant to comply with the requirements of the Ordinance. Any applicant who has not met the filing schedule or public notice requirements will not be heard by the Commission or Board.

1. Application forms are available from the Office of the Martinsville City Superintendent. A copy of the City of Martinsville Zoning Ordinance is available from the Office of the City Superintendent at a cost of \$20.00.
2. **FILING PROCEDURES ALL APPLICATIONS:**
 - (a) Make application with the Office of the City Superintendent not less than twenty (20) days prior to the scheduled meeting of the Commission or Board and pay the associated filing fee(s). In addition to the application form three copies of any maps, drawings or site plans shall be submitted with the application. In the case of an application for a subdivision or minor plat four (4) copies are required containing all the information required by Section 13.3.1 or 13.3.4 of the Ordinance.
 - (b) Application for variances from development standards must be specific as to the requested variance. Example: *In a R1(a) Residential District a variance is requested in the front setback line from the required 40 feet to 30 feet.*
 - (c) Place a legal notice in the Martinsville Reporter per the "Notice of Public Hearing" example attached. The hearing notice must appear in the paper **not less than fifteen (15) days prior** to the scheduled date of the hearing. The publishers affidavit containing the text of the legal notice, date of publication and name of newspaper must be returned to the Office of the City Superintendent **not less than two (2) days prior** to the scheduled hearing date.
 - (d) Notice shall be given to all landowners adjoining and within two parcels in depth or six hundred sixty (660) feet from the subject parcel, whichever is less (streets, highways, railroads or rivers shall ignored). Notification shall be made **not less than fifteen (15) days prior** to the scheduled date of the hearing by certified mail, return receipt requested in the form shown on the attached "Notice of Public Hearing" example. The notice shall be sent to the most current owner and address as listed in the tax assessment records of the Auditor of Morgan County. A notarized affidavit (example form attached) of notice shall be returned to the Office of the City Superintendent **not less than two (2) days prior** to the scheduled hearing date. The notarized affidavit shall list the names and addresses to which the notice had been sent and the return receipts (green cards) or receipt of mailing shall be attached.
 - (e) Notice shall sent to the following agencies by certified mail, return receipt requested, or by hand delivered with proof of delivery, **not less than fifteen (15) days prior** to the scheduled date of the hearing. Proof of delivery shall be returned to the Office of the City Superintendent **not less than two (2) days prior** to the scheduled hearing date:
 1. Martinsville Police Department or if not within the city limits the Morgan County Sheriff.
 2. Martinsville Consolidated School Corporation
 3. Morgan County Soil and Conservation District.
 4. Morgan County Highway Engineer.
 5. Martinsville Fire Department and if outside the city limits the department having jurisdiction.
 6. Morgan County Board of Health if the development is to be serviced by individual waste treatment (septic) systems.
 - (f) Fifteen (15) days prior to the scheduled meeting, each member of the Plan commission or Board of Zoning Appeals, as the case may be, shall be sent by regular mail at their address shown on the attached sheets, the same notice as given to the adjoining landowners together with any exhibits, plans or plats that you wish the members to have. When appearing before the BZA requesting a variance, include the appropriate Findings of Fact letter (variance of use, variance of development standards, or special exception) filled out as complete as possible.
3. Only the legal owner of the land or owner's attorney may make application to the Commission or Board. If the applicant is not the legal owner of the land on which the application is being filed a written, dated, statement authorizing the applicant to represent the landowner before the Commission or Board is required to be filed at the time application is made.
4. Not less than five (5) days prior to the scheduled meeting the technical review comments compiled by the Commission will be sent to the applicant. Comments will be faxed or e-mailed to the applicant, or applicant's surveyor/engineer, if a fax number or e-mail address is provided on the application
5. You may present photos, drawings, plans or other documents in support of your application at the hearing.
6. At the hearing you may represent yourself or be represented by an attorney, surveyor, engineer or anyone else you choose. You or your representative will be expected to explain your application to the Commission or Board. You will be given up to fifteen minutes for your presentation. Remonstrators will be given a total of fifteen minutes, up to five minutes per person, for their presentation. After the remonstrators presentation the applicant will be given up to five minutes for rebuttal. All times may be extended at the discretion of the Chairman. Comments shall be directed to the Commission or Board. Direct conversation with the remonstrators will not be permitted unless allowed by the Chairman.
7. Disorderly conduct, offensive language or gestures will not be tolerated.